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October 8, 2010

VIA FACSIMILE 212-805-7986

Hon. Paul G. Gardephe, U.S.D.J.

United States District Court

Southern District of New York

500 Pearl Street, Room 920

New York, NY 10007

Re: Kowalski, et al. v. Yellowpages.com
Case No.: 10-7318 10 Civ 7318
Our File No.: 37,819-0

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: Oct 12, 2010

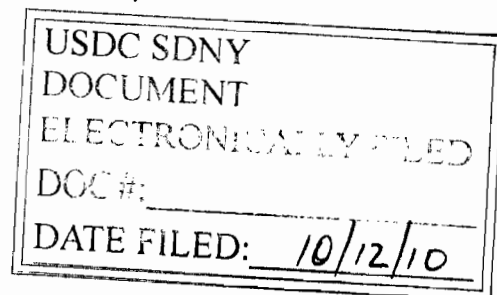
Dear Judge Gardephe,

I write on behalf of plaintiffs in the above-captioned matter which was transferred from the United States District Court of the District of New Jersey to the United States District Court for the Southern District of New York on September 24, 2010 and has been assigned to Your Honor as District Judge and Judge Peck as Magistrate Judge. This letter is sent pursuant to Rule I.E. of Your Honor's Individual Practices. Its purpose is to request a modification of the class certification discovery schedule contained in the Pre-Trial Scheduling Order entered by the Honorable Esther Salas on December 11, 2009 (D.N.J. Doc. No. 20) and amended by Judge Salas at the request of counsel on August 13, 2010 (D.N.J. Doc. No. 52). Copies of both Orders are attached for the Court's convenience.

The dates sought to be extended are those that relate to the service of class certification expert reports and the close of class certification expert discovery. The presently scheduled dates and the newly requested dates (to which defendants' counsel has agreed) are set forth below:

	CURRENT DATE	REQUESTED DATE
Affirmative Expert Reports	October 15, 2010	November 15, 2010
Rebuttal Expert Reports	November 30, 2010	December 22, 2010
Supplemental Expert Reports	December 15, 2010	January 14, 2011
Close of expert discovery	January 14, 2011	January 28, 2011

Except to the extent provided in the August 13, 2010 order, none of these dates has been modified previously. None of the requested changes will affect any other date scheduled in this matter.



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The reason for the request is twofold. First, the experts necessarily will rely upon information obtained through class fact discovery. That discovery, much of which was third party discovery, concluded on September 30, 2010, and a large number of documents were produced and depositions taken during the month of September. Counsel and the experts are presently in the process of reviewing that information, much of which is statistical and requires some level of analysis. It simply will not be possible to conclude that work by October 15.

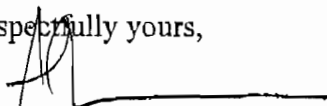
The second reason is that until transfer, counsel were dealing with standards for class certification in the Third Circuit, the transfer to the Southern District of New York implicates Second Circuit standards and counsel are considering to what extent somewhat differing standards may require a different approach to the expert analysis and reports.

As noted above, we are authorized to advise Your Honor that counsel for defendant consents to the requested changes to the scheduling order.

Counsel request, respectfully, that Your Honor "So Order" this letter.

Should Your Honor wish to speak with us about this newly transferred matter, or the status of a related matter pending in the United States District Court for the Southern District of California, counsel stand ready to meet with the Court at the Court's convenience.

Respectfully yours,


Peter S. Pearlman

PSP:glv
Enclosures

cc: James F. Bogan III Esq.
Paul Perkins, Esq.
Ron Raider, Esq.
Frank Janacek
Chris Polaszek
Jason Thompson
Andrew Sokolowski

So Ordered:

Date:

Hon. Paul G. Gardephe, U.S.D.J.